

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON SCOTT HOUNIHAN,

Plaintiff,

v.

SHIRK,

Defendants.

No. 1:24-cv-00198-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION FOR FAILURE TO STATE A
CLAIM, FAILURE TO OBEY COURT
ORDER, AND FAILURE TO PROSECUTE

(Doc. 9)

Plaintiff Jason Scott Hounihan is a former county jail inmate proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 16, 2024, the assigned magistrate judge screened the complaint and found that it failed to comply with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim for relief. Doc. 7. Plaintiff was granted leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days. *Id.* Plaintiff was warned that failure to comply with the court's order would result in a recommendation for dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim. *Id.* Plaintiff did not file an amended complaint or otherwise communicate with the court.

Thereafter, on October 1, 2024, the magistrate judge issued findings and

1 recommendations, recommending dismissal of this action, with prejudice, for failure to state a
2 claim pursuant to 28 U.S.C. § 1915A, failure to obey a court order, and failure to prosecute.
3 Doc. 9. The findings and recommendations were served on plaintiff and contained notice that any
4 objections thereto were to be filed within fourteen days after service. *Id.* at 6-7. Plaintiff has not
5 filed objections to the findings and recommendations or otherwise communicated with the court.

6 In accordance with 28 U.S.C. § 636 (b)(1), the court has conducted a de novo review of
7 the case. Having carefully reviewed the file, the court concludes that the magistrate judge's
8 findings and recommendations are supported by the record and by proper analysis.

9 Based upon the foregoing, the Court ORDERS that:

- 10 1. The findings and recommendations issued on October 1, 2024, Doc. 9, are ADOPTED IN
11 FULL;
- 12 2. This action is DISMISSED, with prejudice, for plaintiff's failure to state a claim, failure to
13 obey a court order, and failure to prosecute; and
- 14 3. The Clerk of the Court is directed to CLOSE this case.

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17 IT IS SO ORDERED.

18 Dated: November 3, 2024


UNITED STATES DISTRICT JUDGE